

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Antonio Raheem Matthews, )  
                            )  
Plaintiff,               )     **ORDER RE MOTION TO DENY**  
                            )  
                            )     **ORDER TO ANSWER**  
vs.                       )  
                            )     Case No. 1:18-cv-175  
                            )  
Colby Braun             )  
Defendant.              )

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On August 27, 2018, Petitioner filed on a motion to deny the court's order for respondent to file an answer. (Doc. No. 11). Petitioner alleges that because the respondent did not answer petitioner's original complaint to answer now would be untimely. But, under Rule 5, the respondent is not required to answer the petition unless a judge so orders. SECT 2254 Rule 5. Therefore, petitioner's motion is **DENIED**.

**IT IS SO ORDERED.**

Dated this 28th day of September, 2018.

*/s/ Charles S. Miller, Jr.*  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court